



U.S. Department of Justice

Matthew M. Graves
United States Attorney*District of Columbia*

*Judiciary Center
601 D St., N.W.
Washington, D.C. 20530*

October 23, 2023

Mark J. Langer, Clerk
United States Court of Appeals
for the District of Columbia Circuit
333 Constitution Avenue, N.W., Room 5423
Washington, D.C. 20001-2866

Re: *United States v. Larry Brock*, No. 23-3045
*Oral argument held September 27, 2023, before
Judges Millett and Pillard and Senior Judge Rogers*

Dear Mr. Langer:

Pursuant to Federal Rule of Appellate Procedure 28(j), we wish to advise the Court of supplemental authority relevant to this appeal. On Friday, the panel issued its opinion in *United States v. Robertson*, No. 22-3062 (D.C. Cir. Oct. 20, 2023), addressing two issues relevant to Brock's appeal.

First, this Court explained that "the requirement that a defendant act 'corruptly'" under 18 U.S.C. § 1512(c)(2) "is met by establishing that the defendant acted with a corrupt purpose or via independently corrupt means." Slip op. at 17. Further, the opinion explained, "the district court correctly instructed the jury, in relevant part, that one way to prove that a defendant acted 'corruptly' is to demonstrate that he 'obstruct[ed] or impede[d] . . . by engaging in other independently unlawful conduct.'" Slip op. at 20-21. And, the Court held, "[t]he evidence at trial was sufficient to support a finding that Robertson acted 'corruptly' under 18 U.S.C. § 1512(c)(2) by engaging in independently felonious conduct to obstruct the certification of the Electoral College vote." Slip op. at 45; see *id.* at 23-25.

USCA Case #23-3045 Document #2023361 Filed: 10/23/2023 Page 2 of 2
Second, this Court concluded that the *Robertson* district court did not plainly err “when it found that Robertson’s obstruction of the Electoral College vote also obstructed and interfered with the ‘administration of justice’” under U.S.S.G. § 2J1.2. Slip op. at 44.

We respectfully request that this letter be brought to the attention of the panel assigned to this case.

Sincerely,

/s/ *Eric Hansford*
Eric Hansford
Assistant United States Attorney

cc (via CM/ECF):
Charles Burnham, Esq.